

reflect the establishment of the Office of Administrative Hearings and the Office's general assumption of the duties of hearing examiners in the State. See Ch. 59, Acts of 1993.

Subsection (c) of this section includes only those provisions of the former law that seemed to add to the provisions of Title 10, Subtitle 2 of the State Government Article. Thus, the introductory language included in the first sentence of former Art. 89, § 91(f), which allowed appointment of a hearing examiner, is deleted in light of SG § 10-205. Similarly, the former requirement that the record include "exhibits" is deleted in light of SG § 10-218(2), while the former requirement for a written report is deleted in light of SG § 10-205(e)(1).

The Public Utility Companies Article Review Committee notes, for the consideration of the General Assembly, that the requirement for the record to include "testimony" is retained. SG § 10-215 generally requires transcription only on request and payment of costs. Thus, the specific requirement revised in subsection (c)(1) of this section seemingly is more stringent than the requirement generally imposed on units of the Executive Branch.

Defined terms: "Commissioner" § 5.5-101

"Person" § 1-101

"Railroad company" § 5.5-101

5.5-119. JUDICIAL REVIEW AND ENFORCEMENT.

(A) REVIEW ALLOWED.

A PERSON ADVERSELY AFFECTED OR AGGRIEVED BY ANY ORDER THAT THE COMMISSIONER PASSES UNDER THIS TITLE OR ANY REGULATION OR HEALTH AND SAFETY STANDARD THAT THE COMMISSIONER ADOPTS TO CARRY OUT THIS TITLE MAY APPEAL TO A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH THE MARYLAND RULES.

(B) EFFECT OF FILING.

IN A PROCEEDING UNDER THIS SECTION, A COURT MAY NOT STAY AN ORDER, REGULATION, OR HEALTH AND SAFETY STANDARD OF THE COMMISSIONER UNLESS:

(1) THE COURT GIVES THE COMMISSIONER NOTICE AND AN OPPORTUNITY FOR A HEARING; AND

(2) THE AGGRIEVED PERSON POSTS SECURITY AND MEETS EACH OTHER CONDITION THAT THE COURT CONSIDERS PROPER.

(C) SCOPE OF REVIEW.

A REGULATION OR HEALTH AND SAFETY STANDARD THAT THE COMMISSIONER ADOPTS TO CARRY OUT THIS TITLE MAY NOT BE HELD INVALID BECAUSE OF A TECHNICAL DEFECT IF THERE IS SUBSTANTIAL COMPLIANCE WITH THIS TITLE.

(D) ENFORCEMENT.